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AND HITACHI ELECTRONIC DEVICES
(USA), INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Case No. Master File No. 3:07-cv-05944-SC

MDL NO. 1917

This Document Relates to:

All Indirect Purchaser Actions

*Electrograph Systems, Inc., et al. v. Hitachi,
Ltd., et al.*, No. 3:11-cv-01656-SC;

*Alfred H. Siegel as Trustee of the Circuit City
Stores, Inc. Liquidating Trust v. Hitachi, Ltd., et
al.*, No. 3:11-cv-05502-SC;

Best Buy Co., Inc., et al. v. Hitachi, Ltd., et al.,
No. 3:11-cv-05513-SC;

**DECLARATION OF ELIOT A.
ADELSON IN SUPPORT OF
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL PURSUANT TO CIVIL
LOCAL RULES 79-5(d) AND 7-11 RE
HITACHI DEFENDANTS' REPLY TO
MOTION FOR SUMMARY JUDGMENT
BASED UPON WITHDRAWAL AND
THE STATUTES OF LIMITATIONS**

1 *Sears, Roebuck and Co. and Kmart Corp. v.*
2 *Chunghwa Picture Tubes, Ltd.*, No. 3:11-cv-
05514-SC

3 *Interbond Corporation of America, d/b/a*
4 *BrandsMart USA v. Hitachi, et al.*,
5 No. 3:11-cv-06275-SC;

6 *Office Depot, Inc. v. Hitachi, Ltd., et al.*,
7 No. 3:11-cv-06276-SC;

8 *CompuCom Systems, Inc. v. Hitachi, Ltd.,*
9 *et al.*, No. 3:11-cv-06396-SC;

10 *Costco Wholesale Corporation v. Hitachi,*
11 *Ltd., et al.*, No. 3:11-cv-06397-SC;

12 *P.C. Richard & Son Long Island Corporation, et*
13 *al. v. Hitachi, Ltd., et al.*, No. 3:12-cv-02648-SC;

14 *Schultze Agency Services, LLC on behalf of*
15 *Tweeter OPCO, LLC and Tweeter Newco, LLC v.*
16 *Hitachi, Ltd., et al.*, No. 3:12-cv-02649-SC;

17 *Tech Data Corporation, et al. v. Hitachi,*
18 *Ltd., et al.*, No. 3:13-cv-00157-SC

1 I, Eliot A. Adelson, declare as follows:

2 1. I am an attorney licensed to practice in the State of California and the Northern
3 District of California. I am a partner with the firm of Kirkland & Ellis LLP, and counsel for Hitachi,
4 Ltd., Hitachi Asia, Ltd., Hitachi America, Ltd., Hitachi Displays, Ltd. (n/k/a Japan Display Inc.), and
5 Hitachi Electronic Devices (USA), Inc. (collectively, the “Hitachi Defendants”). Except for those
6 matters stated on information and belief, about which I am informed and which I believe to be true, I
7 have personal knowledge of the facts stated herein and, if called as a witness, I could and would
8 competently testify thereto.

9 2. I submit this declaration in support of Hitachi Defendants’ Administrative Motion to
10 File Under Seal Pursuant to Civil Local Rules 79-5(d) and 7-11. I make this declaration pursuant to
11 Civil Local Rule 79-5(d) to establish that certain documents containing Confidential and Highly
12 Confidential information and submitted to the Court in connection with the Hitachi Defendants’
13 Reply to Motion for Summary Judgment Based Upon Withdrawal and the Statutes of Limitations
14 (“Withdrawal Reply”) are sealable.

15 3. On June 18, 2008, the Court approved a “Stipulated Protective Order” in this matter
16 (Dkt. 306). On January 23, 2015, the Hitachi Defendants filed an Administrative Motion to Seal, and
17 lodged conditionally under seal, the following documents, or portions thereof, pursuant to Civil
18 Local Rules 7-11 and 79-5(d):

- 19 a. Portions of the Withdrawal Reply that contain quotations or information from
20 documents and/or deposition testimony that certain Plaintiffs and Defendants have
21 designated “Confidential” or “Highly Confidential”; and
- 22 b. Exhibit 25 attached to the Reply Declaration of Eliot Adelson in Support of the
23 Hitachi Defendants’ Reply to Motion For Summary Judgment Based Upon
24 Withdrawal and The Statutes of Limitations (“Adelson Declaration”), which quote
25 from, summarize, or are documents or deposition testimony that the Hitachi
26 Defendants have designated “Confidential” or “Highly Confidential.”

27 4. Pursuant to Civil Local Rule 79-5(d), I make this declaration on behalf of the Hitachi
28 Defendants to provide the basis for the Court to maintain under seal certain documents and

1 information designated by the Hitachi Defendants as “Confidential” or “Highly Confidential”
2 pursuant to the Stipulated Protective Order, and all references to those documents and information in
3 the Withdrawal Reply.

4 5. Exhibit 25 to the Adelson Declaration is a true and correct copy of excerpts from the
5 March 18 and 19, 2014 Deposition of Lloyd Thomas Heiser designated by Hitachi Defendants as
6 “Highly Confidential.”

7 6. Upon information and belief, the documents and testimony referred to or contained in
8 Exhibits 25 contain confidential, nonpublic, proprietary and highly sensitive business information
9 about the Hitachi Defendants’ sales processes, business practices, internal practices, negotiating
10 tactics, confidential business and supply agreements and/or competitive positions. These documents
11 describe relationships with companies that remain important to the Hitachi Defendants’ competitive
12 position. I am informed and believe that this is sensitive information and public disclosure of this
13 information presents a risk of undermining the Hitachi Defendants’ business relationships, would
14 cause it harm with respect to its competitors and customers, and would put the Hitachi Defendants at
15 a competitive disadvantage.

16 7. The highlighted portions of the Withdrawal Reply quote from, describe, or contain
17 documents or information designated as “Confidential” or “Highly Confidential” by the Hitachi
18 Defendants pursuant to the Stipulated Protective Order, including Exhibit 25 to the Adelson
19 Declaration. I understand that Hitachi considers any statements in the Withdrawal Reply purporting
20 to summarize the exhibits or any other documents or information designated as “Confidential” or
21 “Highly Confidential” by the Hitachi Defendants is confidential and proprietary. I am informed and
22 believe that the Hitachi Defendants have taken reasonable steps to preserve the confidentiality of
23 information of the type contained, identified, or cited to in Exhibit 25 and referenced in the
24 Withdrawal Reply.

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1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct.

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4 DATED: January 23, 2015

By: /s/ Eliot A. Adelson

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13 HITACHI AMERICA, LTD., HITACHI
14 ASIA, LTD., AND HITACHI
15 ELECTRONIC DEVICES (USA), INC.
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